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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/696,884   | 10/30/2003  | Stephen M. Stanton   | CE12238JME              | 9116             |
| 7590   | 08/16/2005  |                      | EXAMINER                |                  |
| Scott M. Garrett<br>Motorola, Inc.<br>Law Department<br>8000 West Sunrise Boulevard<br>Fort Lauderdale, FL 33322 |             |                      | CHIANG, JACK            |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 2642                    |                  |
|  |             |                      | DATE MAILED: 08/16/2005 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/696,884             | STANTON ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jack Chiang            | 2642                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 October 2003.  
 2a) This action is FINAL.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/30/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**CLAIMS**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings (US 5657893) in view of JP8-9448.

Regarding claim 1, Hitchings shows:

A first housing (5);

A second housing (4);

At least one catch member (19) which extends beyond an edge of the first housing (5) and being deflectable and having a catch opening (18) and a distal portion (facing 39);

At least one catch feature (22) formed on the second housing (4);

At least one cantilevered latch release member (see 39, 46) formed in the second housing (4) at a position corresponding to the distal portion for deflecting the catch member (19).

Hitchings differs from the claimed invention in that it does not show a compliant cover. However, JP8-9448 teaches providing a compliant cover (41, 42) for an electronic housing.

Hence, it would have been obvious for one of ordinary skill in the art to modify Hitchings with a compliant cover as taught by JP8-9448, such that the combination would create a shock aborting housing for preventing damage of the enclosed electronics.

Regarding claim 9, Hitchings shows:

A catch member (19) disposed on a first housing (5);

A catch feature (22) disposed on a second housing (4);

The second housing (4) comprises a release window (39) formed in) formed corresponding to a distal portion of the catch member (19).

Hitchings differs from the claimed invention in that it does not show a compliant cover.

However, JP8-9448 teaches providing a compliant cover (41, 42) for an electronic housing.

Hence, it would have been obvious for one of ordinary skill in the art to modify Hitchings with a compliant cover as taught by JP8-9448, such that the combination would create a shock aborting housing for preventing damage of the enclosed electronics.

Regarding claim 18, Hitchings shows:

A front housing (4);

A rear housing (5);

At least one catch feature (22) disposed on front housing (4), and positioned in correspondence with an opening (18) of at least one catch member (19);

At least one release window (39) formed on the front housing (4) located in correspondence with a distal portion of the at least one catch member (19).

Hitchings differs from the claimed invention in that it does not show a compliant cover. However, JP8-9448 teaches providing a compliant cover (41, 42) for an electronic housing.

Hence, it would have been obvious for one of ordinary skill in the art to modify Hitchings with a compliant cover as taught by JP8-9448, such that the combination would create a shock aborting housing for preventing damage of the enclosed electronics.

Regarding claims 2-8, 10-17, 19-21, the combination of Hitchings and JP8-9448 shows: A water seal which comprise a sealing groove and a sealing rim (see 11-14 or 36-38 in JP8-9448);

The molding of the cover onto the housing would be a common process for the cover of the combination (such as the environment of JP8-9448);

At least one hook member and at least one hook retaining window (see hinge in figs. 2-3 in Hitchings);

Providing two catch members and two catch features would be obvious for the combination of Hitchings and JP8-9448 when considering that the JP8-9448 reference has these catch members (i.e. 36-38) along the peripheral (four sides) of the device;

The concept of providing a ramped catch (see 22 in Hitchings); and

The cantilevered latch release member and the release window (see 39, 46).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack Chiang  
Primary Examiner  
Art Unit 2642